

REMARKS/ARGUMENTS

Applicant responds herein to the final Office Action mailed May 4, 2011 in the above-identified patent application.

Claims 1-5 and 7-9 are the claims currently pending in the present application.

Claims 1, 5 and 8 are amended to clarify features recited thereby. These amendments are fully supported by Applicant's disclosure see, for example, Specification, page 2, line 26 - page 3, line 14; page 5, lines 23-29; page 24, line 23 - page 25, line 1; page 25, line 30 - page 26, line 1, describing a problem that some systems can bill a user for telephone time even though the user did not talk at all because an increment of time was charged for the ability exchange to determine whether CODECs that enable talk between the different telephone systems exist. These portions of the Specification also describe that the CODEC conversion or protocol conversion is the operation that starts only after the ability exchange determines that communication between terminals of different types is possible and that the start of this operation means that communication between the telephone terminals has started. Thus the fee can be charged only when the ability exchange has been performed and actual communication between the terminals has been achieved. The foregoing discussion uses telephone terminals as an example, however other types of devices may be used to perform the communication.

Rejection of Claims 1, 2, 5, 8 and 9 under 35 U.S.C. § 103

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. § 103 as being obvious from Tinsley, U.S. Patent No. 6,967,956 in view of Kimura, U.S. Patent Application Publication No.: 2002/0143975 and Kalavade et al., U.S. Patent Application Publication No.: 2003/0051041. Reconsideration of this rejection is respectfully requested.

As described in the foregoing discussion providing citations to the Specification in support of the claim amendments, an advantage or effect according to an aspect of Applicant's invention as claimed in claims 1, 5 and 8 is that users may be charged for communication time based on the CODEC or protocol conversion only after the ability exchange has been performed, and thus charges may be eliminated to the user when no communication was performed because the ability exchange failed to find compatible systems.

Claims 1, 5 and 8 require detecting as conversion-process information at time, after ability exchange is performed, that is spent to perform CODEC conversion or protocol conversion of the first signal or the second signal, and transmitting the conversion-process information to a fee-charging system.

Tinsley discloses that a gateway sends a message including information associated with the duration of a “call” or a communication (Tinsley, col. 11, lines 31-35 and 46-55) and discloses that information is maintained with the duration of the “call” or communication.

Tinsley does not disclose or suggest keeping track of time for purposes of billing that is spent to perform CODEC conversion or protocol conversion after ability exchange, as required by claims 1, 5 and 8.

Kimura discloses detecting a time that the converter spent to convert a signal but is silent as to the above-discussed features recited in claims 1, 5 and 8. Kalavade does not cure the above-discussed deficiencies of Tinsley and Kimura as they relate to the above-noted features of claims 1, 5 and 8, and the Office Action does not allege that Kalavade discloses or suggests such features. Accordingly, even taken together in combination, Tinsley, Kimura and Kalavade do not disclose or suggest the recitations of claims 1, 5 and 8.

Claim 2 depends from claim 1 and claim 9 depends from claim 8. Therefore, claims 2 and 9 are patentably distinguishable over the cited art for at least the same reasons as their respective base claim.

Rejection of Claims 3, 4 and 7 under 35 U.S.C. § 103

Claims 3 and 7 are rejected under 35 U.S.C. § 103 as being obvious from Tinsley, Kimura and Kalavade et al. in view of Jabri, U.S. Patent Application Publication No.: 2003/0028643.

Claim 4 is rejected under 35 U.S.C. § 103 as being obvious from Tinsley, Kimura, Kalavade et al. and Jabri in view of Kauhanen, WO 02/052825. Reconsideration of these rejections is respectfully requested.

Jabri and Kauhanen do not cure the above-discussed deficiencies of Tinsley, Kimura and Kalavade as they relate to the above-noted features of claims 1, 5 and 8. Further, the Office Action does not allege that Jabri and Kauhanen disclose or suggest such features. Accordingly, even taken together in combination, the above-discussed references do not disclose or suggest the

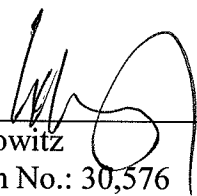
recitations of claims 1, 5 and 8.

Claims 3 and 4 depend from claim 1 and claim 7 depends from claim 5. Therefore, claims 3, 4 and 7 are patentably distinguishable over the cited art for at least the same reasons as their respective base claim.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims of the present application are respectfully requested.

Respectfully submitted,

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